



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 3, 1998

Mr. Matthew C.G. Boyle  
Boyle & Lowry, L.L.P.  
4201 Wingren, Suite 108  
Irving, Texas 75062-2763

OR98-0888

Dear Mr. Boyle:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114449.

The City of Farmers Branch (the "city"), which you represent, received a request for a copy of "911 transcripts of any calls made from 3130 Glengold this year. This would include dialogue exchanged between Nancy Durbin or Larry Fambrough and the 911 dispatcher and/or supervisor and/or other police employees." You assert that the information is excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

Section 552.108, the "law enforcement exception," provides:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to

law enforcement or prosecution is excepted from [public disclosure] if: (1) release of the internal record or notation would interfere with law enforcement or prosecution; (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) the internal record or notation: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You inform us that the suspect in this case, Nancy Durbin, is currently being held for the charge of murder, and that the criminal case resulting from that occurrence is currently being investigated and prosecuted by the Dallas County District Attorney's Office. On this basis, we conclude that release of the requested information would interfere with the detection, investigation or prosecution of crime, and thus, it may be withheld from disclosure pursuant to section 552.108(a)(1). As we resolve your request under section 552.108, we need not address your argument under section 552.103.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/MAP/glg

Ref.: ID# 114449

Enclosures: Submitted documents

cc: Mr. Kendall Anderson  
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(w/o enclosures)